

## Implementing Order



### **Implementing Order No.: 3-15**

**Title:** Uniform Minimum Standards for Application, Contracting, Assessment, Monitoring, Organizational Review, and Performance Review of Community- Based Organizations Monitored by the Office of Management and Budget or its Successor Department

**Ordered:** 1/7/2023

**Effective:** 11/17/2023

### **AUTHORITY:**

Sections 1.01 and 2.02A of the Miami-Dade County Home Rule Amendment and Charter, and Resolution No. R-584-19 adopted by the Board of County Commissioners ("Board") on June 4, 2019 and Resolution No. R-976-23. adopted by the Board on November 7, 2023.

### **SUPERSEDES:**

This Implementing Order supersedes Implementing Order 3-15 as adopted by the Board on June 4, 2019 and effective on June 14, 2019.

### **POLICY:**

It is the policy of Miami-Dade County to apply uniform minimum standards for the application, contracting, assessment, monitoring, organizational review, and performance review of Community-Based Organizations (CBOs) (also referred to herein as "organization(s)") managed by the Office of Management and Budget (OMB) or its successor department, pursuant to an award by the Board.

### **SCOPE:**

This Implementing Order applies to CBOs, defined as 501(c)(3) tax exempt organizations that directly provide human and social services for residents of Miami-Dade County under grant agreements that are managed by OMB or its successor department, pursuant to an award by the Board under the CBO grant application process. CBOs do not have to be physically headquartered in Miami-Dade County. This Implementing Order It does not apply to other non-profits and other organizations providing community services on behalf of the County or using County funds, including, but not limited to, Mom and Pop grants, Environmental Education CBO Funding, Law Enforcement Trust Fund funded awards, and County Commission district office awards. This Implementing Order may be utilized, in whole or in part, by other County departments or County Commission district offices, in their discretion, when contracting with such non-profits and organizations providing community services on behalf of the County or using County funds.

### **ROLES AND RESPONSIBILITIES AND AUTHORIZATION:**

#### **Director of OMB or the Director's Designee:**

OMB is responsible for implementing this Implementing Order and establishing any related forms, procedures, manuals and guidelines. The Director of OMB, or the Director's designee, is responsible for the contracting, assessment, monitoring, and review of CBOs as described herein. These responsibilities include: reviewing application(s) and providing technical assistance to CBOs in the application process, except as otherwise prohibited or limited; working with the appropriate advisory board, council, trust, or selection committee, when applicable, prior

to evaluating and screening the application(s) to determine the organization's capability of properly receiving and expending funds, as well as their ability to do the work; developing a shell contract, including program goals and objectives and the scope of services to be rendered based on the contract award, which shall be approved for form and legal sufficiency by the County Attorney's Office; establishing an administrative cost cap for each CBO as part of the organization's budget; determining the method of payment and ensuring payment in accordance with contractual terms; reviewing and assessing contract compliance, both fiscal and programmatic; preparing Organizational Reviews and Performance Reviews; and exercising the rights contained in the CBO contract, including, but not limited to, termination, non-material amendments or modifications that do not change the grant purpose or add additional funds to any of the awarded programs, and suspending payment.

## **PROCEDURES:**

### **Advisory Boards, Councils, Trusts, and Selection Committees:**

Social service grant award funding, including CBOs awarded funding, do not have to be selected pursuant to a competitive process, including, but not limited to the process set forth in the Master Procurement Implementing Order 3-38. However, subject to future direction from the Board, periodic competitive processes, solicitations, or alternative grant award processes may be used. When applicable, advisory boards, councils, trusts, and/or established selection committees will be responsible for making recommendations to the County Mayor and/or the Board, for their consideration and action in accordance with pre-established funding categories and/or program parameters.

### **Grant Award Process and Elements:**

The procedural elements shall include, but not be limited to, the information contained herein, and shall not be in conflict with mandated state and federal rules, regulations, and guidelines, as follows:

#### **1. Application Elements**

Any application process, initiated upon direction of the Board, shall present a profile of the missions and goals of the organization requesting funding. Depending upon the level of funding, or the event, project, or program proposed, information reporting requirements may be adjusted accordingly. OMB will provide technical assistance to applicants, except as otherwise prohibited or limited.

Specific application requirements shall be determined in advance by OMB, or, when applicable, the advisory board, council, trust, or selection committee, and shall include, at a minimum:

#### ***Organizational Information:***

- Name
- Address
- Telephone number
- Proposed contract period
- Proposed contract amount
- Contact person
- Corporate information (staffing requirements, 501(c)(3) or other tax-exempt certification, Federal identification number, bylaws, articles of incorporation, board of directors, and organization's fiscal year)
- Organizational mission, goals, and history
- Disclosure of any pending legal liabilities and judgments, or applications for bankruptcy

- Most current certified audit, including related management letters (verifying that the organization is on sound financial footing and able to implement a funded service on a reimbursement basis). If a certified audit is not available, financial statements and an annual agency-wide operating budget should be submitted. At a minimum, the organization's IRS Form 990 must be submitted
- Description of programs and services provided by the organization

*Program Information:*

- Community need or expected community benefit; project goals and objectives
- Description of the specific services to be provided, including unit quantities and costs where applicable, and a program budget
- Licensure and other requirements (occupational and professional licenses and required certifications)
- Any required County affidavits

## **2. Assessment Elements**

Applications recommended for a grant award by an evaluation/selection committee or through another process authorized by the Board shall be evaluated, screened, and objectively analyzed to determine the organization's capability and capacity of properly receiving and expending funds as well as their ability to do the work. This analysis will include:

- A review of the organizational structure and general administrative capabilities
- A review of the funding request as it relates to the goals and objectives identified for the specific programs
- A due diligence review of the organization (i.e. Organizational Review)
- Where available, a review of the organization's past County report cards, performance reviews and, any applicable performance record(s) in accomplishing their program goals and objectives
- An evaluation of the application based on pre-established scoring criteria

The application, assessment, and recommendation will be submitted by OMB, or, when applicable, the appropriate advisory board, council, trust, or selection committee to the County Mayor and/or the Board of County Commissioners, for funding consideration in accordance with the respective approval requirements.

## **3. Contract Elements**

A contract document, including the terms and conditions required, along with the provisions of the scope of services, shall be developed by OMB in conjunction with the County Attorney's Office. Such contract document shall be consistent with the shell contract approved by the Board in Resolution No. R-976-23 on November 7, 2023 and may be amended by the Director of OMB or the Director's designee to reflect this Implementing Order, changes in the law, and new County policies or needs, subject to annual approval for form and legal sufficiency by the County Attorney's Office. At a minimum, the contractual agreement shall include:

- Specific program goals and objectives for the use of County funds (specific performance deliverables, proposed unit costs, and measurement techniques)
- All required County affidavits
- Assurances that the organization abides by generally accepted financial management principles
- Provisions regarding Performance Reviews and Report Cards, as applicable, to be conducted by OMB
- Fund disbursements procedures based on County approved rules and procedures

- A reasonable and necessary Indirect Cost or administrative expense cap, not to exceed twenty-five percent (25%) of each Program allocation from the County, determined by OMB and approved as part of the CBO's budget by OMB
- Provisions permitting the County Mayor or the County Mayor's designee to make unannounced, on-site visits during normal working hours to the organization's headquarters and/or any location or site where the services contracted for are performed

***Unused CBO grant funding:***

If contract terms and conditions cannot be agreed to between OMB and the organization approved for funding by the Board, or if funding for an organization is leftover because it was unspent or because the contract was terminated or declined to be extended by the organization, OMB shall make recommendations to the County Mayor and/or Board as to the disposition of the unallocated funds in accordance with the respective approval requirements as part of the subsequent fiscal year's budget.

**4. Contract Monitoring Elements and Payment for Services**

To determine payment for services, the organization's performance will be assessed against the contract scope and services for compliance, based upon:

- Performance deliverables (number of units and quantity delivered against contracted amount and/or achievement of specific outcomes)
- Measurement and reporting mechanisms to ensure contract compliance
- Periodic site visits, client assessment surveys, and a review of other pertinent documents. If deficiencies or evidence of non-compliance are detected during the routine course of monitoring, OMB is responsible for taking steps in accordance with contract provisions to enable the CBO to, where applicable, remedy the deficiency or non-compliance, including, as applicable, providing written notification to the organization advising of the steps necessary to correct the situation, and/or suspending payment in whole or in part.

**5. Organizational Review and Performance Review Elements**

Organizational Reviews and Performance Reviews, as defined and outlined below, will be conducted, documented, and transmitted by the County Mayor to the Board of County Commissioners as appropriate or at least annually and will be placed on the Board's agenda without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure. Organizational Reviews will be conducted on all new organizations seeking funding from the Board of County Commissioners, and on currently funded organizations as needed. Performance Reviews are to be conducted for organizations currently funded and under contract with the County and will be performed at least annually and presented to the Board prior to the annual budget cycle where the Board approves continuation funding and funding levels for the CBOs. Organizational Reviews and Performance Reviews will be conducted on organizations whose funding allocation(s) is \$25,000 or more, or whose funding allocation becomes \$25,000 or more over the contract period. At OMB's sole discretion, a review may be conducted on contract awards under \$25,000. Monitoring site visits are to be conducted at least annually for 12-month contracts and may be conducted on an as-needed basis for contracts with a term less than 12 months.

***Organizational Reviews:***

At the time that an organization submits its first application, proposal, or response as part of a competitive process, or is considered for County funding for the first time, the OMB Director or

the Director's designee is charged with conducting a due diligence review on the organization. The County reserves the right to conduct a partial or complete Organizational Review at any time and for any organization, as needed. At a minimum, the Organizational Review shall include a review of the following online resources and databases.

- Miami-Dade County Office of the Inspector General
- Federal tax returns, audited financial statements, other relevant financial documents
- Vendor registration documents, affidavits, and applicable licenses through the Florida Department of Professional Regulation
- Florida Convicted Vendor List and the Florida Suspended Vendor List through the Florida Department of Management Services
- Contractor Debarment Report, Delinquent Contractors, and the Federal Excluded Parties List through the System for Award Management (SAM)
- State of Florida corporation status through the Florida Division of Corporations (SunBiz)
- Reference checks with other county departments, including the Finance Department pursuant to Administrative Order 3-29, if applicable
- Local public records search through the Miami-Dade Clerk of Courts

At a minimum, findings from within the past five (5) years should be considered throughout the Organizational Review. As a result of the Organizational Review, the OMB Director or the Director's designee, at their sole discretion, can recommend not funding an organization, or, if the review is conducted while the organization is under contract, have payments withheld if:

- The organization is on an active federal, state, or local debarment list
- Taxes, fees, or licenses are owed or outstanding
- The organization or individual or entity is in arrears to the County, Administrative Order 3-29
- Based on the findings of the Organizational Review, it is determined that proceeding is not in the best interest of the County

The organization will be notified in writing of the results of the Organizational Review and will have no more than ten (10) days from the date of the notice to submit a response to OMB that will be attached to the final Organizational Review. The results of the Organizational Review will be reported to the Board at the time a recommendation for funding is provided by the Mayor, or as part of the annual Report Card for organizations under contract.

#### ***Performance Reviews & Report Card:***

Performance Reviews are to be conducted at least annually for organizations that are under contract with the County and during the period in which an organization is under contract with the County. The specific method of review to track the organization's status and progress will be determined administratively by the OMB Director or the Director's designee and may include both announced and unannounced site visits.

At least annually and before the annual budget process, the OMB Director or the Director's designee will provide a Report Card to the Board based on the findings of the Performance Review(s), and the Report Card will specify the contracting officer and/or OMB staff person(s) involved in the Performance Review(s). The Report Card will be transmitted by the County Mayor and placed on the Board's agenda without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure at least annually before the annual budget process and shall include a review of, at a minimum, the following categories:

- Deliverables and Program Achievement: This category is based on the monthly progress reports, a sample review of the organization's records, the performance deliverables,

and/or achievement of specific outcomes, as identified and described in the Scope of Work included in the executed contract.

- Administration and Contract Compliance: This category is based on the annual written monitoring site visit report, if applicable, issued by OMB and the corrective action plan submitted by the organization and approved by the County

The Report Card will rate organizations using a green, yellow, and red stoplight scale as follows:

- Green - Five (5) or fewer instances of non-compliances
- Yellow - More than five (5) instances of non-compliance
- Red - Any number of instances of non-compliance that merit contract or payment suspension

The organization will be notified in writing of the proposed rating and will have no more than ten (10) days from the date of the notice to submit a response to OMB that will be attached to the final Report Card. Additionally, at OMB's sole discretion, an organization may be asked to submit a corrective action plan to address the instances of non-compliance identified in the Performance Review. If a corrective action plan is submitted by the organization, approved by OMB, and the actions outlined in the corrective action plan are completed by the agency, a Report Card rating of yellow may be changed to green and a rating of red may be changed to yellow, at the OMB's sole discretion. A rating of red will not be changed directly to green at any time during the contract period.

The annual Report Card will be transmitted by the County Mayor to the Board of County Commissioners regardless of whether or not the organization has been terminated or is not being recommended for renewed funding, and will reflect the results of any and all performance reviews conducted on the organization during the year.

As a result of the Performance Review or any information that may come to the attention of the County, the OMB Director or the Director's designee may, at their sole discretion, terminate or elect not to renew the contract, or suspend payment at any time due any number of finding(s) or issue(s) including, but not limited to:

- Lack of fiscal documentation
- Lack of client records or program documentation
- Health or safety concerns
- Required criminal background checks or licenses not completed or current
- Monies owed to the IRS or another government entity, or the County, without an approved re-payment plan
- Repeat finding(s) from a prior year
- Being on an active federal, state, or local debarment list

The seriousness and significance of instances of non-compliance shall be determined at OMB's sole discretion. .

Initiating a Performance Review: A performance review may be initiated due to any concern or complaint that may come to the attention of the County. Such concerns or complaints may pertain to, but not be limited to, information received that Provider is engaging in misuse of funds, misconduct, illegalities, or other breach of contract. The complaint/concern should be directed to the attention of the Director of OMB or the Director's Designee who will review the complaint/concern to evaluate if and how it relates to the County's grant award with the CBO and if it pertains to any misuse of funds, misconduct, illegalities, or other breach of contract. In the

discretion of the Director of OMB or the Director's Designee, a Performance Review will be initiated, and/or the matter referred to the Office of Inspector General or Commission on Ethics, as appropriate.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by the County Attorney as  
to form and legal sufficiency \_\_\_\_\_